

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0877-AIR-E TCEQ ID: RN104802079 CASE NO.: 35960
RESPONDENT NAME: BIG CITY CRUSHED CONCRETE, L.P.

Page 1 of 3

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 1000 North MacArthur Boulevard, Grand Prairie, Dallas County

TYPE OF OPERATION: portable concrete crushing plant

SMALL BUSINESS: ☐ Yes ☒ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired October 5, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Anna M. Treadwell, Litigation Division, MC 175, (512) 239-0974

Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Ms. Trina Grieco, Air Enforcement Section, MC R-13, (210) 403-4006

TCEQ Regional Contact: Mr. Joel Anderson, San Antonio Regional Office, MC R-13, (210) 403-4010

Respondent: Mr. Mason C. Brown, III, Vice President, Big City Crushed Concrete, L.P., 5900 Willow Lane, Dallas, Texas 75230

Respondent's Attorney: Mr. Erich M. Birch, 7000 North MoPac Expressway, Plaza 7000, Second Floor, Austin, Texas 78731

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint</p> <p><input checked="" type="checkbox"/> Routine</p> <p><input type="checkbox"/> Enforcement Follow-up</p> <p><input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 19-21, 2008</p> <p>Date of NOE Relating to this Case: May 20, 2008</p> <p>Background Facts: The EDPRP was filed November 4, 2008. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and a signed Agreed Order was received on July 31, 2009.</p> <p>Current Compliance Status: No outstanding Technical Requirements.</p> <p>AIR:</p> <p>1. Failed to maintain the water spray system in good working condition and apply water to the fines stockpile in order to minimize emissions and failing to minimize emissions from all in-plant roads [30 TEX. ADMIN. CODE § 116.115(a), 116.615(2) and 116.615(9), Standard Permit General Conditions 1(I) and 1(J), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2. Failed to equip conveyors with a half-moon or equivalent enclosure to minimize emissions and failing to limit opacity to 10 percent from any transfer point on belt conveyors or any screen [30 TEX. ADMIN. CODE § 116.115(a), 116.615(2) and 116.615(9), Standard Permit General Conditions 1(E) and 1(G), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3. Failed to limit throughput to 125 tons per hour. Specifically, records provided indicated that for 162 hours, from February 15 to March 24, 2008 the average hourly throughput rate was approximately 132 tons [30 TEX. ADMIN. CODE § 116.115(a), 116.615(2) and 116.615(9), Standard Permit General Conditions 2(B), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$5,600</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order</p> <p><input type="checkbox"/> Financial Inability to Pay</p> <p><input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$5,600</p> <p>The Respondent paid the administrative penalty in full.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken: The Executive Director recognizes that the Respondent ceased operations of the crusher on March 24, 2008 and moved the crusher to a new location with a Tier II authorization.</p>

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>4. Failed to install permanently mounted spray bars on the transfer point, in the middle, or on the terminal end of the Kolberg TeleStacker conveyor and to limit the number of conveyors on-site to two [30 TEX. ADMIN. CODE § 116.115(a), 116.615(2) and 116.615(9), Standard Permit General Conditions 1(H) and 2(D), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5. Failed to maintain records of hours of operation, including daily start and stop times for a rolling 24 month period [30 TEX. ADMIN. CODE § 116.115(a), 116.615(2) and 116.615(9), Standard Permit General Conditions 1(M)(i), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6. Failed to notify the appropriate regional office in writing at least 10 calendar days prior to locating at the site [30 TEX. ADMIN. CODE § 116.115(a), 116.615(2) and 116.615(9), Standard Permit General Conditions 2(H), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7. Failed to prevent the location and operation of a crusher to the same site as any concrete batch plant [30 TEX. ADMIN. CODE § 116.115(a), 116.615(2) and 116.615(9), Standard Permit General Conditions 2(E), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	19-May-2008	Screening	28-May-2008	EPA Due	N/A
	PCW	9-Jul-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Big City Crushed Concrete, L.P.
Reg. Ent. Ref. No.	RN104802079
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35960	No. of Violations	7
Docket No.	2008-0877-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Trina Grieco
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$5,600**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 0.0% Enhancement Subtotals 2, 3, & 7 **\$0**

Notes No penalty enhancement is recommended due to lack of Compliance History.

Culpability No 0.0% Enhancement Subtotal 4 **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 **\$0**

Economic Benefit 0.0% Enhancement* Subtotal 6 **\$0**

Total EB Amounts \$24
Approx. Cost of Compliance \$4,650
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal **\$5,600**

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$5,600**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$5,600**

DEFERRAL 0.0% Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY **\$5,600**

Screening Date 28-May-2008

Docket No. 2008-0877-AIR-E

PCW

Respondent Big City Crushed Concrete, L.P.

Policy Revision 2 (September 2002)

Case ID No. 35960

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104802079

Media [Statute] Air

Enf. Coordinator Trina Grieco

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No penalty enhancement is recommended due to lack of Compliance History.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 28-May-2008		Docket No. 2008-0877-AIR-E		PCW																
Respondent Big City Crushed Concrete, L.P.		<small>Policy Revision 2 (September 2002)</small>																		
Case ID No. 35960		<small>PCW Revision October 30, 2008</small>																		
Reg. Ent. Reference No. RN104802079																				
Media [Statute] Air																				
Enf. Coordinator Trina Grieco																				
Violation Number		<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: center;">1</div>																		
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code §§ 116.115(a) and 116.615(2) and (9), Standard Permit General Conditions 1(I), and 1(J) and Tex. Health & Safety § 382.085(b)</div>																		
Violation Description		<div style="border: 1px solid black; padding: 2px;">Failed to maintain the water spray system in good working condition and apply water to the fines stockpile in order to minimize emissions and failed to minimize emissions from all in-plant roads.</div>																		
Base Penalty				<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$10,000</div>																
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> </table>					Harm			Release	Major	Moderate	Minor	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	x	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
		Harm																		
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Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																	
Percent				<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">10%</div>																
>> Programmatic Matrix																				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> </table>					Falsification	Major	Moderate	Minor		<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>						
	Falsification	Major	Moderate	Minor																
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																
Percent				<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">0%</div>																
Matrix Notes	<div style="border: 1px solid black; padding: 2px;">Human health or the environment has been exposed to insignificant amounts of contaminants that did not exceed protective levels as a result of the violation.</div>																			
Adjustment				<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$9,000</div>																
				<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$1,000</div>																
Violation Events																				
Number of Violation Events		<div style="border: 1px solid black; padding: 2px; width: 50px; text-align: center;">1</div>	<div style="border: 1px solid black; padding: 2px; width: 50px; text-align: center;">38</div>	Number of violation days																
mark only one with an x	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
	weekly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
	quarterly	x																		
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
	single event	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
Violation Base Penalty				<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$1,000</div>																
<div style="border: 1px solid black; padding: 2px; margin-top: 10px;">One quarterly event is recommended from the date operations commenced (February 15, 2008) to the date the operations ceased (March 24, 2008).</div>																				
Good Faith Efforts to Comply		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">0.0% Reduction</td> </tr> <tr> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;">x (mark with x)</td> </tr> </table>			0.0% Reduction	Before NOV	NOV to EDPRP/Settlement Offer	Extraordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Ordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	N/A	x (mark with x)	<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$0</div>						
	0.0% Reduction																			
Before NOV	NOV to EDPRP/Settlement Offer																			
Extraordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																			
Ordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																			
N/A	x (mark with x)																			
Notes		<div style="border: 1px solid black; padding: 2px;">The Respondent does not meet the good faith criteria for this violation.</div>																		
Violation Subtotal				<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$1,000</div>																
Economic Benefit (EB) for this violation		Statutory Limit Test																		
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$10</div>	Violation Final Penalty Total																	
			<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$1,000</div>																	
This violation Final Assessed Penalty (adjusted for limits)				<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$1,000</div>																

Economic Benefit Worksheet**Respondent** Big City Crushed Concrete, L.P.**Case ID No.** 35960**Reg. Ent. Reference No.** RN104802079**Media** Air**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	15-Feb-2008	24-Mar-2008	0.10	\$10	n/a	\$10

Notes for DELAYED costs

Estimated cost to maintain the water spray system in good working condition, apply water to the fines stockpile and to spray and maintain all in-plant roads. The date required is the date operations commenced and the final date is the date the Respondent ceased Tier I crushing activities and removed the equipment from the site.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costsApprox. Cost of Compliance **\$2,000****TOTAL** **\$10**

Screening Date 28-May-2008		Docket No. 2008-0877-AIR-E		PCW	
Respondent Big City Crushed Concrete, L.P.		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 35960		<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN104802079					
Media [Statute] Air					
Enf. Coordinator Trina Grieco					
Violation Number		<input type="text" value="2"/>			
Rule Cite(s)		30 Tex. Admin. Code §§ 116.115(a) and 116.615(2), Standard Permit General Conditions 1(E), 1(G) and Tex. Health & Safety § 382.085(b)			
Violation Description		Failed to equip conveyors with a half-moon or equivalent enclosure to minimize emissions and failed to limit opacity to 10 percent from any transfer point on belt conveyors or any screen. Specifically, opacity was documented at 39 percent during the March 19, 2008 investigation.			
Base Penalty					<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix						
OR	Release		Harm			Percent
			Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="X"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
						<input type="text" value="10%"/>
>> Programmatic Matrix						
	Falsification	Major	Moderate	Minor		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>		<input type="text" value="0%"/>
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of contaminants that did not exceed protective levels as a result of the violation.					
Adjustment					<input type="text" value="\$9,000"/>	
					<input type="text" value="\$1,000"/>	

Violation Events					
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="38"/>	Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>			
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text" value="X"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
One quarterly event is recommended from the date operations commenced (February 15, 2008) to the date operations ceased (March 24, 2008).					
Violation Base Penalty					<input type="text" value="\$1,000"/>

Good Faith Efforts to Comply		<input type="text" value="0.0%"/>	Reduction	<input type="text" value="\$0"/>
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input type="text" value="X"/>	<small>(mark with x)</small>		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				<input type="text" value="\$1,000"/>

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$5"/>	Violation Final Penalty Total	<input type="text" value="\$1,000"/>
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$1,000"/>	

Economic Benefit Worksheet

Respondent Big City Crushed Concrete, L.P.

Case ID No. 35960

Reg. Ent. Reference No. RN104802079

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	15-Feb-2008	24-Mar-2008	0.10	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to equip conveyors with a half-moon or equivalent enclosure to minimize emissions and limit opacity to 10 percent from any transfer point on belt conveyors or any screen. The date required is the date operations commenced and the final date is the date the Respondent ceased Tier I crushing activities and removed the equipment from the site.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$5

Screening Date 28-May-2008		Docket No. 2008-0877-AIR-E		PCW		
Respondent Big City Crushed Concrete, L.P.		<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 35960		<small>PCW Revision October 30, 2008</small>				
Reg. Ent. Reference No. RN104802079						
Media [Statute] Air						
Enf. Coordinator Trina Grieco						
Violation Number		<div style="border: 1px solid black; padding: 2px;">3</div>				
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code §§ 116.115(a) and 116.615(2), Standard Permit General Condition 2(B) and Tex. Health & Safety § 382.085(b)</div>				
Violation Description		<div style="border: 1px solid black; padding: 2px;">Failed to limit throughput to 125 tons per hour. Specifically, records provided indicated that for 162 hours, from February 15 to March 24, 2008, the average hourly throughput rate was approximately 132 tons.</div>				
Base Penalty					<div style="border: 1px solid black; padding: 2px;">\$10,000</div>	
>> Environmental, Property and Human Health Matrix						
OR	Harm					
	Release	Major	Moderate	Minor		
	Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	x		
	Potential	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
				Percent	<div style="border: 1px solid black; padding: 2px;">10%</div>	
>> Programmatic Matrix						
Falsification		Major	Moderate	Minor		
<div style="border: 1px solid black; width: 60px; height: 15px;"></div>		<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
				Percent	<div style="border: 1px solid black; padding: 2px;">0%</div>	
Matrix Notes		<div style="border: 1px solid black; padding: 2px;">Human health or the environment has been exposed to insignificant amounts of contaminants that did not exceed protective levels as a result of the violation.</div>				
Adjustment					<div style="border: 1px solid black; padding: 2px;">\$9,000</div>	
					<div style="border: 1px solid black; padding: 2px;">\$1,000</div>	
Violation Events						
Number of Violation Events		<div style="border: 1px solid black; padding: 2px;">1</div>	Number of violation days		<div style="border: 1px solid black; padding: 2px;">38</div>	
<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>				
	weekly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>				
	monthly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>				
	quarterly	x				
	semiannual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>				
	annual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>				
	single event	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>				
Violation Base Penalty					<div style="border: 1px solid black; padding: 2px;">\$1,000</div>	
<div style="border: 1px solid black; padding: 2px;">One quarterly event is recommended from the date operations commenced (February 15, 2008) to the date operations ceased (March 24, 2008).</div>						
Good Faith Efforts to Comply		0.0% Reduction		\$0		
		<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>			
Extraordinary		<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>			
Ordinary		<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>			
N/A		x	<small>(mark with x)</small>			
Notes		<div style="border: 1px solid black; padding: 2px;">The Respondent does not meet the good faith criteria for this violation.</div>				
Violation Subtotal					<div style="border: 1px solid black; padding: 2px;">\$1,000</div>	
Economic Benefit (EB) for this violation			Statutory Limit Test			
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px;">\$3</div>	Violation Final Penalty Total		<div style="border: 1px solid black; padding: 2px;">\$1,000</div>	
This violation Final Assessed Penalty (adjusted for limits)					<div style="border: 1px solid black; padding: 2px;">\$1,000</div>	

Economic Benefit Worksheet

Respondent: Big City Crushed Concrete, L.P.

Case ID No. 35960

Reg. Ent. Reference No. RN104802079

Media: Air

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	15-Feb-2008	24-Mar-2008	0.10	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to implement measures designed to limit throughput to 125 tons per hour. The date required is the date operations commenced and the final date is the date the Respondent ceased Tier I crushing activities and removed the equipment from the site.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$3

Screening Date 28-May-2008		Docket No. 2008-0877-AIR-E		PCW																
Respondent Big City Crushed Concrete, L.P.		<small>Policy Revision 2 (September 2002)</small>																		
Case ID No. 35960		<small>PCW Revision October 30, 2008</small>																		
Reg. Ent. Reference No. RN104802079																				
Media [Statute] Air																				
Enf. Coordinator Trina Grieco																				
Violation Number		<div style="border: 1px solid black; padding: 2px;">4</div>																		
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code §§ 116.115(a) and 116.615(2), Standard Permit General Conditions 1(H) and 2(D) and Tex. Health & Safety § 382.085(b)</div>																		
Violation Description		<div style="border: 1px solid black; padding: 2px;">Failed to install permanently mounted spray bars on the transfer point, in the middle, or on the terminal end of the Kolberg TeleStacker conveyor and to limit the number of conveyors on-site to two. Specifically, there was an additional telescoping stacker conveyor on-site.</div>																		
Base Penalty				<div style="border: 1px solid black; padding: 2px;">\$10,000</div>																
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td style="text-align: center;">x</td> </tr> </table>					Harm			Release	Major	Moderate	Minor	Actual				Potential			x
		Harm																		
	Release	Major	Moderate	Minor																
Actual																				
Potential			x																	
Percent				<div style="border: 1px solid black; padding: 2px;">5%</div>																
>> Programmatic Matrix																				
Matrix Notes	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>					Falsification	Major	Moderate	Minor											
		Falsification	Major	Moderate	Minor															
Percent				<div style="border: 1px solid black; padding: 2px;">0%</div>																
<div style="border: 1px solid black; padding: 2px;">Human health or the environment could have been exposed to insignificant amounts of contaminants that would not exceed protective levels as a result of the violation.</div>																				
Adjustment				<div style="border: 1px solid black; padding: 2px;">\$9,500</div>																
				<div style="border: 1px solid black; padding: 2px;">\$500</div>																
Violation Events																				
Number of Violation Events		<div style="border: 1px solid black; padding: 2px;">2</div>	<div style="border: 1px solid black; padding: 2px;">38</div>	Number of violation days																
mark only one with an x	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
	weekly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
	single event	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>																		
Violation Base Penalty					<div style="border: 1px solid black; padding: 2px;">\$1,000</div>															
<div style="border: 1px solid black; padding: 2px; text-align: center;">Two single events are recommended for the two deficiencies.</div>																				
Good Faith Efforts to Comply		0.0% Reduction		<div style="border: 1px solid black; padding: 2px;">\$0</div>																
		Before NOV	NOV to EDPRP/Settlement Offer																	
Extraordinary		<div style="border: 1px solid black; width: 100px; height: 15px;"></div>																		
Ordinary		<div style="border: 1px solid black; width: 100px; height: 15px;"></div>																		
N/A		x	(mark with x)																	
Notes		<div style="border: 1px solid black; padding: 2px;">The Respondent does not meet the good faith criteria for this violation.</div>																		
Violation Subtotal				<div style="border: 1px solid black; padding: 2px;">\$1,000</div>																
Economic Benefit (EB) for this violation		Statutory Limit Test																		
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px;">\$5</div>	Violation Final Penalty Total																	
			<div style="border: 1px solid black; padding: 2px;">\$1,000</div>																	
This violation Final Assessed Penalty (adjusted for limits)				<div style="border: 1px solid black; padding: 2px;">\$1,000</div>																

Economic Benefit Worksheet

Respondent Big City Crushed Concrete, L.P.

Case ID No. 35960

Reg. Ent. Reference No. RN104802079

Media Air

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	15-Feb-2008	24-Mar-2008	0.10	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to install permanently mounted spray bars on the transfer point, in the middle, or on the terminal end of the Kolberg TeleStacker conveyor and to limit the number of conveyors on-site to two. The date required is the date operations commenced and the final date is the date the Respondent ceased Tier I crushing activities and removed the equipment from the site.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$5

Screening Date 28-May-2008		Docket No. 2008-0877-AIR-E		PCW																
Respondent Big City Crushed Concrete, L.P.		<small>Policy Revision 2 (September 2002)</small>																		
Case ID No. 35960		<small>PCW Revision October 30, 2008</small>																		
Reg. Ent. Reference No. RN104802079																				
Media [Statute] Air																				
Enf. Coordinator Trina Grieco																				
Violation Number		<input type="text" value="5"/>																		
Rule Cite(s)		30 Tex. Admin. Code §§ 116.115(a) and 116.615(2), Standard Permit General Condition 1(M)(i) and Tex. Health & Safety § 382.085(b)																		
Violation Description		Failed to maintain records of hours of operation, including daily start and stop times for a rolling 24 month period. Specifically, daily start and stop times were not recorded for operations conducted on March 1 and 17, 2008 and the stop time was not recorded for operations conducted on February 29, 2008.																		
Base Penalty				<input type="text" value="\$10,000"/>																
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>					Harm			Release	Major	Moderate	Minor	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Harm																		
	Release	Major	Moderate	Minor																
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>																
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>																	
Percent <input type="text" value="0%"/>																				
>> Programmatic Matrix																				
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Falsification</td> </tr> <tr> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> </tr> </table>					Falsification			Major	Moderate	Minor	<input type="text"/>	<input type="text"/>	x						
		Falsification																		
	Major	Moderate	Minor																	
	<input type="text"/>	<input type="text"/>	x																	
Percent <input type="text" value="1%"/>																				
Matrix Notes		Greater than 70% of the rule requirements were met (non-compliance documented 3 out of 730 days).																		
Adjustment				<input type="text" value="\$9,900"/>																
				<input type="text" value="\$100"/>																
Violation Events																				
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="38"/>	Number of violation days																
<small>mark only one with an x</small>	daily	<input type="text"/>																		
	weekly	<input type="text"/>																		
	monthly	<input type="text"/>																		
	quarterly	<input type="text"/>																		
	semiannual	<input type="text"/>																		
	annual	<input type="text"/>																		
	single event	x																		
				Violation Base Penalty <input type="text" value="\$100"/>																
One single event is recommended for the one deficient record.																				
Good Faith Efforts to Comply		0.0% Reduction		<input type="text" value="\$0"/>																
		Before NOV	NOV to EDPRP/Settlement Offer																	
Extraordinary		<input type="text"/>	<input type="text"/>																	
Ordinary		<input type="text"/>	<input type="text"/>																	
N/A		x	(mark with x)																	
Notes		The Respondent does not meet the good faith criteria for this violation.																		
Violation Subtotal				<input type="text" value="\$100"/>																
Economic Benefit (EB) for this violation		Statutory Limit Test																		
Estimated EB Amount		<input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$100"/>																	
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$100"/>																

Economic Benefit Worksheet

Respondent Big City Crushed Concrete, L.P.

Case ID No. 35960

Reg. Ent. Reference No. RN104802079

Media Air

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	29-Feb-2008	17-Mar-2008	0.05	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to record the three missing times. The date required is the date of the first missing record and the final date is the date of the last missing record.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$0

Screening Date 28-May-2008		Docket No. 2008-0877-AIR-E		PCW		
Respondent Big City Crushed Concrete, L.P.		<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 35960		<small>PCW Revision October 30, 2008</small>				
Reg. Ent. Reference No. RN104802079						
Media [Statute] Air						
Enf. Coordinator Trina Grieco						
Violation Number		<div style="border: 1px solid black; padding: 2px;">6</div>				
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code §§ 116.115(a) and 116.615(2), Standard Permit General Condition 2(H) and Tex. Health & Safety § 382.085(b)</div>				
Violation Description		<div style="border: 1px solid black; padding: 2px;">Failed to notify the appropriate regional office in writing at least 10 calendar days prior to locating at the site. Specifically, notification was submitted on February 6, 2008 and crushing commenced nine days later, on February 15, 2008.</div>				
Base Penalty					<div style="border: 1px solid black; padding: 2px;">\$10,000</div>	
>> Environmental, Property and Human Health Matrix						
OR	Harm					
	Release	Major	Moderate	Minor		
	Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
	Potential	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
					Percent	<div style="border: 1px solid black; padding: 2px;">0%</div>
>> Programmatic Matrix						
Falsification		Major	Moderate	Minor		
<div style="border: 1px solid black; width: 60px; height: 15px;"></div>		<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
					Percent	<div style="border: 1px solid black; padding: 2px;">5%</div>
Matrix Notes		<div style="border: 1px solid black; padding: 5px;">50% (one of two) of the rule requirements were met.</div>				
Adjustment					<div style="border: 1px solid black; padding: 2px;">\$9,500</div>	
<div style="border: 1px solid black; padding: 2px;">\$500</div>						
Violation Events						
Number of Violation Events		<div style="border: 1px solid black; padding: 2px;">1</div>	Number of violation days		<div style="border: 1px solid black; padding: 2px;">38</div>	
<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>				
	weekly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>				
	monthly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>				
	quarterly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>				
	semiannual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>				
	annual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>				
	single event	<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div>				
One single event is recommended based on the date crusher was moved without sufficient notification (February 4, 2008).						
Violation Base Penalty		<div style="border: 1px solid black; padding: 2px;">\$500</div>				
Good Faith Efforts to Comply		0.0% Reduction		<div style="border: 1px solid black; padding: 2px;">\$0</div>		
		<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>			
Extraordinary		<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>			
Ordinary		<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>			
N/A		<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div>	<small>(mark with x)</small>			
Notes		<div style="border: 1px solid black; padding: 5px;">The Respondent does not meet the good faith criteria for this violation.</div>				
Violation Subtotal					<div style="border: 1px solid black; padding: 2px;">\$500</div>	
Economic Benefit (EB) for this violation			Statutory Limit Test			
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px;">\$0</div>	Violation Final Penalty Total		<div style="border: 1px solid black; padding: 2px;">\$500</div>	
This violation Final Assessed Penalty (adjusted for limits)					<div style="border: 1px solid black; padding: 2px;">\$500</div>	

Economic Benefit Worksheet

Respondent Big City Crushed Concrete, L.P.

Case ID No. 35960

Reg. Ent. Reference No. RN104802079

Media Air

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	4-Feb-2008	4-Feb-2008	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to notify the appropriate regional office in writing within 10 calendar days prior to locating at the site. The date required and final date is the date the crusher was moved without sufficient notification.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$0

Screening Date 28-May-2008		Docket No. 2008-0877-AIR-E		PCW
Respondent Big City Crushed Concrete, L.P.		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 35960		<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN104802079				
Media [Statute] Air				
Enf. Coordinator Trina Grieco				
Violation Number		<div style="border: 1px solid black; padding: 2px;">7</div>		
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code §§ 116.115(a) and 116.615(2), Standard Permit General Condition 2(E) and Tex. Health & Safety § 382.085(b)</div>		
Violation Description		<div style="border: 1px solid black; padding: 2px;">Failed to prevent the location and operation of a crusher to the same site as any concrete batch plant.</div>		
Base Penalty				<div style="border: 1px solid black; padding: 2px;">\$10,000</div>

>> Environmental, Property and Human Health Matrix					
OR	Release	Major	Harm Moderate	Minor	
	Actual	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>	
	Potential	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>	
					Percent <div style="border: 1px solid black; padding: 2px;">0%</div>

>> Programmatic Matrix					
Matrix Notes	Falsification	Major	Moderate	Minor	
	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>	<div style="border: 1px solid black; width: 100px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>	
	Percent <div style="border: 1px solid black; padding: 2px;">10%</div>				
100% of the rule requirement was not met.					
Adjustment				<div style="border: 1px solid black; padding: 2px;">\$9,000</div>	

Violation Events									
		<div style="border: 1px solid black; padding: 2px;">1</div>	<div style="border: 1px solid black; padding: 2px;">38</div>	Number of violation days					
<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>							
	weekly	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>							
	monthly	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>							
	quarterly	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>							
	semiannual	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>							
	annual	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>							
	single event	<div style="border: 1px solid black; width: 100px; height: 15px; text-align: center;">x</div>							
<div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> One single event is recommended based on the date the crusher was moved to an unauthorized location (February 4, 2008). </div>									
Good Faith Efforts to Comply		0.0% Reduction		\$0					
		<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>						
Extraordinary		<div style="border: 1px solid black; width: 100px; height: 15px;"></div>	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>						
Ordinary		<div style="border: 1px solid black; width: 100px; height: 15px;"></div>	<div style="border: 1px solid black; width: 100px; height: 15px;"></div>						
N/A		x	(mark with x)						
Notes		The Respondent does not meet the good faith criteria for this violation.							
Violation Subtotal				<div style="border: 1px solid black; padding: 2px;">\$1,000</div>					

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<div style="border: 1px solid black; padding: 2px;">\$1</div>	Violation Final Penalty Total	<div style="border: 1px solid black; padding: 2px;">\$1,000</div>
This violation Final Assessed Penalty (adjusted for limits)		<div style="border: 1px solid black; padding: 2px;">\$1,000</div>	

Economic Benefit Worksheet

Respondent Big City Crushed Concrete, L.P.

Case ID No. 35960

Reg. Ent. Reference No. RN104802079

Media Air

Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	4-Feb-2008	24-Mar-2008	0.13	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to ensure that the crusher is appropriately located. The date required is the date the crusher was moved to an unauthorized location and the final date is the date the Respondent ceased Tier I crushing activities and removed the equipment from the site.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$1

Compliance History

Customer/Respondent/Owner-Operator: CN601176423 Big City Crushed Concrete, L.P. Classification: AVERAGE Rating: 2.79
Regulated Entity: RN104802079 ROCK CRUSHER SERIAL NO 4800- Classification: AVERAGE BY Site Rating: 3.01
5504 DEFAULT

ID Number(s):

Location: 1000 North MacArthur Boulevard, Grand Prairie (Dallas County), Texas Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: May 28, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 28, 2003 to May 28, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: J. Craig Fleming Phone: (512) 239-5806

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A

B. Any criminal convictions of the state of Texas and the federal government.
N/A

C. Chronic excessive emissions events.
N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 05/16/2008 (641116)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BIG CITY CRUSHED
CONCRETE, L.P.
RN104802079**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0877-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Big City Crushed Concrete, L.P. ("Big City") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Big City, represented by Erich Birch of the law firm of Birch, Becker & Moorman, LLP, appear before the Commission and together stipulate that:

1. Big City owns and operates portable concrete crushing plant located at 1000 North MacArthur Boulevard, Grand Prairie, Dallas County, Texas (the "Plant").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Commission and Big City agree that the Commission has jurisdiction to enter this Agreed Order, and that Big City is subject to the Commission's jurisdiction.
4. Big City received notice of the violations alleged in Section II ("Allegations") on or about May 25, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Big City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of five thousand six hundred dollars (\$5,600.00) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). Big City paid five thousand six hundred dollars (\$5,600.00) of the administrative penalty.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Big City agree on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Big City ceased operations of the crusher on March 24, 2008 and moved the crusher to a new location with a Tier II authorization.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Big City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

1. During an investigation conducted on March 19, 2008 through March 21, 2008, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Big City violated:
 - a. 30 TEX. ADMIN. CODE § 116.115(a), 116.615(2) and 116.615(9), Standard Permit General Conditions 1(I) and 1(J), and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain the water spray system in good working condition and apply water to the fines stockpile in order to minimize emissions and failing to minimize emissions from all in-plant roads.
 - b. 30 TEX. ADMIN. CODE § 116.115(a) and 116.615(2), Standard Permit General Conditions 1(E) and 1(G), and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to equip conveyors with a half-moon or equivalent enclosure to minimize emissions and failing to limit opacity to 10 percent from any transfer point on belt conveyors or any screen. Specifically, opacity was documented at 39 percent during the March 19, 2008 investigation.

- c. 30 TEX. ADMIN. CODE § 116.115(a) and 116.615(2), Standard Permit General Condition 2(B), and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to limit throughput to 125 tons per hour. Specifically, records provided indicated that for 162 hours, from February 15 to March 24, 2008 the average hourly throughput rate was approximately 132 tons.
- d. 30 TEX. ADMIN. CODE § 116.115(a) and 116.615(2), Standard Permit General Conditions 1(H) and 2(D), and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to install permanently mounted spray bars on the transfer point, in the middle, or on the terminal end of the Kolberg TeleStacker conveyor and to limit the number of conveyors on-site to two. Specifically, there was an additional telescoping stacker conveyor on-site.
- e. 30 TEX. ADMIN. CODE § 116.115(a) and 116.615(2), Standard Permit General Condition 1(M)(i), and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain records of hours of operation, including daily start and stop times for a rolling 24 month period. Specifically, daily start and stop times were not recorded for operations conducted on March 1 and 17, 2008 and the stop time was not recorded for operations conducted on February 29, 2008.
- f. 30 TEX. ADMIN. CODE § 116.115(a) and 116.615(2), Standard Permit General Condition 2(H), and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to notify the appropriate regional office in writing at least 10 calendar days prior to locating at the site. Specifically, notification was submitted on February 6, 2008 and the crusher was operated nine days after submitting the notification.
- g. 30 TEX. ADMIN. CODE § 116.115(a) and 116.615(2), Standard Permit General Condition 2(E), and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to prevent the location and operation of a crusher to the same site as any concrete batch plant.

III. DENIALS

Big City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Big City pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and Big City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on

Environmental Quality" and shall be sent with the notation "Re: Big City Crushed Concrete, L.P., Docket No. 2008-0877-AIR-E" to:

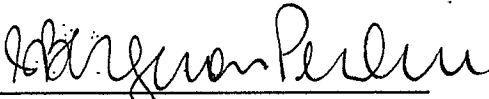
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. This Agreed Order, issued by the Commission, shall not be admissible against Big City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
3. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
4. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T. CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of this Agreed Order to Big City, or three days after the date on which the Commission mails notice of this Agreed Order to Big City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



9/2/2009

For the Executive Director

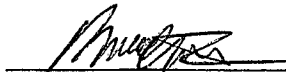
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or Big City's failure to timely pay the penalty amount, may result in:

- A negative impact on Big City's compliance history;
- Greater scrutiny of any permit applications submitted by Big City;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against Big City;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Big City; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution



Signature

7/30/09

Date

MASON C. BROWN III

Name (Printed or typed)

V.P.

Title

Authorized representative of

Big City Crushed Concrete, L.P.